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A limited liability partnership formed in the State of Delaware

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Attorneys for Defendants
Merrill Lynch, Pierce, Fenner & Smith, Inc.;
Bank of America Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

ABDULLAH BYANOONI individually and on
behalf of a class and subclass of similarly situated
individuals,

Plaintiff,

vs.

MERRILL LYNCH, PIERCE, FENNER &
SMITH; BANK OF AMERICA
CORPORATION; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 3:12-cv-05270-RS

[Related Case: *Abdullah Byanooni v. Bank of America Corporation et al.*, case number 3:12-cv-05483-RS]

**JOINT STIPULATION TO CONTINUE
CLASS CERTIFICATION AND
DISCOVERY CUTOFF; ~~PROPOSED~~
ORDER**

Dept.: Courtroom 3, SF

The Honorable Richard Seeborg

Complt. Filed: August 17, 2012

STIPULATION

Plaintiff Abdullah Byanooni and Defendants Merrill Lynch, Pierce, Fenner & Smith, Inc. and Bank of America Corporation (collectively “the parties”), by and through their respective attorneys of record, agree and stipulate as follows:

WHEREAS, on January 17, 2013, Court issued a Scheduling Order providing (1) that the parties shall complete all non-expert discovery pertaining to class certification on or before March 29, 2013; and (2) setting a hearing on class certification for September 29, 2013 [Dkt. 21];

WHEREAS, the parties agreed to engage in early mediation, and for that reason, on January 28, 2013, the Court issued an order amending the Scheduling Order, and continuing the parties’ deadline to complete non-expert discovery pertaining to class certification until August 1, 2013 [Dkt. 24];

WHEREAS, the parties originally agreed to mediation in March 2013, however, unforeseen circumstances have delayed the parties from engaging in mediation and the parties are now scheduled to mediate on May 1, 2013;

WHEREAS, the parties have met and conferred and agree that the delay in mediation warrants extending (1) the deadline for all non-expert discovery pertaining to class certification; and (2) the hearing on class certification.

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1 THEREFORE, based on the foregoing, the parties agree:

2 1. All non-expert discovery pertaining to class certification shall be
3 completed on or before October 10, 2013; and

4 2. That all related discovery deadlines will be set per statute based off
5 the October 10, 2013 cutoff;

6 3. All pretrial motions pertaining to class certification must be filed
7 and served pursuant to Civil Local Rule 7, and shall be heard on **December 5, 2013**,
8 or on a date selected by the clerk of the court, in Courtroom 3.

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10 Dated: March 19, 2013

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12 REED SMITH, LLP

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14 /s/ Ashley L. Shively
15 Attorneys for Defendants
Merrill Lynch, Pierce, Fenner & Smith, Inc.
and Bank of America Corporation

16 Dated: March 19, 2013

17 ORSHANSKY & YEREMIAN LLP

18 /s/ Anthony J. Orshansky
19 *[holographic signature on file]*
20 Attorneys for Plaintiff Abdullah Byanooni

~~[PROPOSED]~~ ORDER

Based on the above stipulation of the Parties, this Court hereby orders:

1. All non-expert discovery pertaining to class certification shall be completed on or before October 10, 2013;
2. All related discovery deadlines will be set per statute based off the October 10, 2013 cutoff;
3. All pretrial motions pertaining to class certification must be filed and served pursuant to Civil Local Rule 7, and shall be heard on December 5, 2013 at 1:30 p.m., in Courtroom 3.

SO ORDERED:

DATED: 3/21, 2013



RICHARD SEEBORG
United States District Judge